

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No. CV 22-03732-MWF (RAOx)

Date: June 24, 2024

Title: Douglas Mercer Pell v. Amy Nunez

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:
Rita Sanchez

Court Reporter:
Not Reported

Attorneys Present for Plaintiff:
None Present

Attorneys Present for Defendant:
None Present

Proceedings (In Chambers): ORDER TO SHOW CAUSE

This Order to Show Cause addresses the action after receipt of the mandate from the Ninth Circuit.

The Court previously summarized the facts of this action in its Order Granting in Defendant Amy Nunez’s Motion to Dismiss Plaintiff’s First Amended Complaint (the “Prior Order”). (Docket No. 25). The Court incorporates by reference the Background section of the Prior Order as if fully set forth herein.

In the Prior Order, the Court determined that it lacked subject matter jurisdiction. (Prior Order at 7). Plaintiff appealed. The Ninth Circuit subsequently determined that this Court had original jurisdiction over Plaintiff’s federal law claims, but that the action should be dismissed for failure to state a claim. *Pell v. Nunez*, 99 F.4th 1128, 1135 (9th Cir. 2024). Therefore, this Court had supplemental jurisdiction over Plaintiff’s claim for violations of California’s Unruh Civil Rights Act, Cal. Civ. Code §§ 51–52. *Id.* Accordingly, the Ninth Circuit reversed the dismissal of Plaintiff’s Unruh Act claim and remanded the action back to this Court so that it could exercise its discretion over whether to retain jurisdiction. *Id.*

Pursuant to 28 U.S.C. § 1367(c)(3), when a district court “has dismissed all claims over which it has original jurisdiction,” it “may decline to exercise supplemental jurisdiction” over remaining state law claims. Therefore, to assist this Court in its decision, Plaintiff is **ORDERED to SHOW CAUSE** in writing as to why this Court should exercise supplemental jurisdiction over Plaintiff’s Unruh Act claim.

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Plaintiff's Response to the OSC shall be filed on or before **July 15, 2024**. Failure to timely or adequately respond to this Order to Show Cause may, without further warning, result in the Court declining to exercise supplemental jurisdiction over the Unruh Act claim and the dismissal of that claim pursuant to 28 U.S.C. § 1367(c).

IT IS SO ORDERED.